

CHAPTER 32 - PENOBSCOT RIVER

ARTICLE 1 - BREWER HARBOR.

Section 100. AUTHORITY. This Ordinance is adopted pursuant to Home Rule powers as provided in Article VIII, Part 2, of the Maine Constitution and the Home Rule provisions of Title 30-A M.R.S.A. Sections 3001, and any other applicable law.

SECTION 101. BOUNDARIES AND JURISDICTION. This Ordinance shall govern water recreation, navigation and all boating activities on the Penobscot River and its estuarine tributaries, extending from the Brewer-Orrington Town Line to the northerly boundary line of the City of Brewer, and extending to the harbor line on the Bangor side of the river.

SECTION 102. ESTABLISHMENT AND ENFORCEMENT OF RULES AND REGULATIONS.

102.1 RULES AND REGULATIONS. The City Council may adopt rules and regulations in accordance with Title 30-A M.R.S.A.

102.1 2. HARBOR MASTER. A Harbor Master shall be appointed annually by the City Council on the basis of merit and fitness alone. The Harbor Master shall have the authority to enforce the Statutes of the State of Maine relating to the operation of vessels, as contained in Title 38 M.R.S.A. Section 1, et. seq. The Harbor Master shall keep a log of all activities within the harbor area and shall collect all fees as hereinafter established to be turned over daily to the City Treasurer. The Harbor Master shall be subject to the authority and direction of the City Manager.

SECTION 103. RIVER CORRIDOR USES. The area located between the shoreline and the harbor line on the Brewer side of the river, and all of the area of the river located above the Joshua Chamberlain Bridge shall be defined as the "Inner Harbor". The portion of the Harbor located below the Joshua Chamberlain Bridge shall be used for the berthing, or tying up of vessels to shoreline bulkheads, piers, wharves and floats; mooring or anchoring of vessels within the Harbor area extending from the Joshua Chamberlain Bridge to the so called Robinson Kenney dock will not be permitted. The Inner harbor area shall be used for private moorings, and for anchorage, as authorized by the Harbor Master.

A seventy five (75) foot wide channel, measured easterly from the Brewer harbor line, shall be kept clear for the passage of vessels, and a one hundred fifty (150) foot wide channel shall be kept clear

between the two center river piers of the Joshua Chamberlain Bridge.
Brewer City Ordinances
Chap. 32 - Art. 1
Sec. 104 - 104.4

The above-described channels shall be defined by lines measured parallel to the Brewer harbor line.

Private moorings will not be permitted below the Joshua Chamberlain Bridge, except as authorized by the Harbor Master.

SECTION 104. MOORINGS.

104.1. REGISTRATION. All private moorings shall be located above the Joshua Chamberlain Bridge, unless otherwise approved by the Harbor Master. No private mooring shall be placed without first registering with the Harbor Master, who shall record the following information:

1. Name and address of the owner and number of the vessel.
2. Location of the mooring.
3. Size and type of mooring and chain.

Each private mooring shall be assigned a number, which shall be displayed on the buoy in permanent letters at least two and one half (2 ½") inches high. All moorings shall be registered at the City Clerk's office each year prior to May 15th, said registration subject to the payment of an annual fee.

104.2 Size and Type. The maximum mooring scope from staple to bit shall be forty (40) feet. The minimum mooring weight shall be one 1 ton for stone or other bulk moorings, or the equivalent for swing around moorings. The minimum bottom chain size shall be 3/4 inch. In addition to the foregoing specifications for moorings, the Harbor Master may enforce additional written specifications, to be conveniently available to the public upon request.

104.3 Maintenance. No changes in the location of moorings will be allowed without the approval of the Harbor Master. Moorings not registered by May 15th shall become the property of the City. Ownerships of private moorings are not transferable without the written permission of the Harbor Master. Moorings shall be inspected at least once every five (5) years at the owner's expense, either by pulling or by underwater investigation. If, upon inspection, the mooring is considered by the Harbor Master to be unsafe, then it shall be repaired or replaced within a period of ten days.

104.4 Penalties. Whoever violates any of the above conditions pertaining to moorings or anchoring shall be liable upon complaint of the Harbor Master in the District Court for a fine of not less than Twenty-five (\$25.00) dollars nor more than One Hundred

(\$100.00) dollars. The City shall also be entitled to its reasonable
Brewer City Ordinances
Chap. 32 - Art. 1
Sec. 104.4 - 105

attorney fees and costs for successfully prosecuting a violation under this Chapter.

Section 105. General Rules and Regulations. No watercraft shall be used or operated within the harbor area so as to cause danger, annoyance, disturbance or inconvenience to the public; Motorboats without suitable mufflers will be prohibited.

All watercraft operated within a distance of five hundred (500) feet below the Joshua Chamberlain Bridge, including the Inner Harbor areas above the bridge, shall maintain a speed of not more than five (5) knots.

No person or vessel shall dump or dispose of any refuse or garbage upon the shore or the Penobscot River or its tributaries, or upon the waters of the River. No vessel shall deposit, throw, sweep, or cause to be deposited or swept into the water of the Penobscot River or its tributaries any gasoline, oil, fuel or sewage, or any floating objects, which may cause obstruction or danger to navigation.

Any master or owner of any vessel or boat, or any other person who shall violate any of the provisions of this Ordinance, to which a specific penalty is not annexed or otherwise provided by law, shall forfeit and pay a sum of not less than twenty five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, to be recovered upon complaint by the Harbor Master in Maine District Court. Each day shall constitute a separate violation. The City shall also be entitled to its reasonable attorney fees and costs. The Harbor Master shall prosecute all violations of this Ordinance.

Section 105. Piers, Docks, Wharfs, Other Structures and Uses. Piers, docks, wharfs, other structures and uses shall comply with Chapter 24, Land Use Code, of the City of Brewer Charter, Codes and Ordinances.